



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

1250 W Alder St • Union Gap, WA 98903-0009 • (509) 575-2490

May 5, 2016

Paul Willard
Okanogan-Wenatchee National Forest
Chelan Ranger District
428 Woodin Avenue
Chelan, WA 98816

RE: Water Quality Certification Order No. 13275 for Corps Public Notice No. **NWS-2016-284 (NWP 37)** Wolverine Fire Log Boom Project, Chelan County, Washington

Dear Mr. Willard:

On March 28, 2016, the Okanogan Wenatchee National Forest Chelan Ranger District submitted a Joint Aquatic Resources Permit Application (JARPA) to the Department of Ecology (Ecology) requesting a Section 401 Water Quality Certification under the Federal Clean Water Act for the Wolverine Fire Log Boom Project at the mouth of Railroad Creek on Lake Chelan, in Chelan County, Washington.

The Wolverine Fire Log Boom project is located on Lake Chelan at the mouth of Railroad Creek. Railroad Creek is located approximately 36 miles northwest of the city of Chelan. The project is located at Latitude 48.202152 N, Longitude -120.597025 W and is located within Section 10, Township 31 North, and Range 18 East of the Willamette Meridian. The project is on National Forest Lands and State of Washington Lands.

The Wolverine Fire Log Boom project involves installation and maintenance of a woody debris retention boom across the mouth of Railroad Creek. The purpose of the debris boom is to retain floating woody debris that is transported out of the Railroad Creek watershed during spring runoff and storm events. As a result of the Wolverine Fire, increased amounts of woody debris are expected to be flushed from Railroad Creek over the next five years. Additionally, an approximately 400 foot section of boom will be staged on shore at Lucerne and deployed via boat to collect wood from nearby drainages if they have a significant blowout.

Maintenance of log boom appurtenances including anchors, cables, and tuff boom attachments will be completed for up to five (5) years. At the end of the 5-year period all boom infrastructure will be removed. Logs collected will be removed from the boom using a barge and excavator with a "thumb".



Paul Willard
Okanogan Wenatchee National Forest Chelan Ranger District
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On behalf of the State of Washington, Ecology certifies that the work described in the JARPA and the public notice complies with applicable provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act, as amended and applicable state laws. This certification is subject to the conditions contained in the enclosed Order.

If you have any questions, please contact Andrea Jedel at (509) 454-4260. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,



Gary Graff, PWS
Regional Section Manager
Central Regional Office
Shorelands and Environmental Assistance Program

Enclosures

By certified mail: 7014 3490 0001 5527 9704

cc: Hank Lewis, Chelan County
Debbie Knaub, U.S. Army Corps of Engineers
Graham Simon, WDFW
Shane Early, DNR
ecyrefedpermits@ecy.wa.gov – Ecology HQ
Andrea Jedel – Ecology Central Regional Federal Permit Coordinator

IN THE MATTER OF GRANTING A) ORDER #13275
WATER QUALITY) Corps Reference No. NWS-2016-284 (NWP
CERTIFICATION TO) 37)
Okanogan Wenatchee National Forest,) Installation and maintenance of a woody debris
Chelan Ranger District) retention boom across the mouth of Railroad
in accordance with 33 U.S.C. 1341) Creek, in Lake Chelan, Chelan County,
(FWPCA § 401), RCW 90.48.120, RCW) Washington
90.48.260 and Chapter 173-201A WAC

TO: Paul Willard
Okanogan-Wenatchee National Forest
Chelan Ranger District
428 Woodin Avenue
Chelan, WA 98816

On March 28, 2016, the Okanogan Wenatchee National Forest Chelan Ranger District submitted a Joint Aquatic Resources Permit Application (JARPA) to the Department of Ecology (Ecology) requesting a Section 401 Water Quality Certification. On April 20, 2016 the U.S. Army Corps of Engineers authorized the project with Nationwide Permit (NWP) 37, Emergency Watershed Protection and Rehabilitation. A public notice regarding the request was distributed by Ecology for the above-referenced project pursuant to the provisions of Chapter 173-225 WAC on April 20, 2016.

The Wolverine Fire Log Boom project is located on Lake Chelan at the mouth of Railroad Creek. Railroad Creek is located approximately 36 miles northwest of the city of Chelan. The project is located at Latitude 48.202152 N, Longitude -120.597025 W and is located within Section 10, Township 31 North, and Range 18 East of the Willamette Meridian. The project is on National Forest Lands and State of Washington Lands.

The Wolverine Fire Log Boom project involves installation and maintenance of a woody debris retention boom across the mouth of Railroad Creek. The purpose of the debris boom is to retain floating woody debris that is transported out of the Railroad Creek watershed during spring runoff and storm events. As a result of the Wolverine Fire, increased amounts of woody debris are expected to be flushed from Railroad Creek over the next five years. Additionally, an approximately 400 foot section of boom will be staged on shore at Lucerne and deployed via boat to collect wood from nearby drainages if they have a significant blowout. Log booms will be constructed using brown/orange TUFFBOOM barriers that are made with an impact resistant polyethylene outer shell with a closed cell foam interior.

Maintenance of log boom appurtenances including anchors, cables, and tuff boom attachments will be completed for up to five (5) years. At the end of the 5-year period all boom infrastructure will be removed. Logs collected will be removed from the boom using a barge and excavator with a "thumb".

AUTHORITIES:

In exercising authority under 33 U.S.C. § 1341, RCW 90.48.120, and RCW 90.48.260, Ecology has examined this application pursuant to the following:

1. Conformance with applicable water quality-based, technology-based, and toxic or pretreatment effluent limitations as provided under 33 U.S.C. §1311, 1312, 1313, 1316, and 1317 (FWPCA § 301, 302, 303, 306 and 307);
2. Conformance with the state water quality standards contained in Chapter 173-201A WAC and authorized by 33 U.S.C. §1313 and by Chapter 90.48 RCW, and with other applicable state laws; and
3. Conformance with the provision of using all known, available and reasonable methods to prevent and control pollution of state waters as required by RCW 90.48.010.

WATER QUALITY CERTIFICATION CONDITIONS:

Through issuance of this Order, Ecology certifies that it has reasonable assurance that the activity as proposed and conditioned will be conducted in a manner that will meet the applicable water quality standards and other appropriate requirements of state law. In view of the foregoing and in accordance with 33 U.S.C. § 1341, RCW 90.48.120, RCW 90.48.260, Chapter 173-200 WAC and Chapter 173-201A WAC, water quality certification is granted to the Applicant subject to the conditions within this Order.

Certification of this proposal does not authorize the Applicant to exceed applicable state water quality standards (Chapter 173-201A WAC), ground water standards (Chapter 173-200 WAC) or sediment quality standards (Chapter 173-204 WAC). Furthermore, nothing in this certification shall absolve the Applicant from liability for contamination and any subsequent cleanup of surface waters, ground waters or sediments occurring as a result of project construction or operations.

A. General Conditions

1. For purposes of this Order, the term "Applicant" shall mean the Okanogan Wenatchee National Forest Chelan Ranger District and its agents, assignees and contractors.
2. All submittals required by this Order shall be sent by mail and electronically to Ecology's Central Regional Office, Attn: Andrea Jedel, Federal Permit Coordinator, SEA Program, 1250 W Alder Street, Union Gap, WA 98903. Any submittals shall reference Order

#13275, Corps Reference # NWS-2016-284 and include the Applicant's name, project name, project location, the project contact and the contact's phone number.

3. Work authorized by this Order is limited to the work described in the JARPA received by Ecology on March 28, 2016, unless otherwise authorized by Ecology. The Applicant will be out of compliance with this Order and must submit an updated JARPA if the information contained in the JARPA is voided by subsequent changes to the project not authorized by this Order.
4. The Applicant shall obtain Ecology review and approval before undertaking any changes to the proposed project that might significantly and adversely affect water quality, other than those project changes required by this Order.
5. Within 30 days of receipt of an updated JARPA, Ecology will determine if the revised project requires a new water quality certification and public notice or if a modification to this Order is required.
6. This Order does not exempt, and is provisional upon compliance with other statutes and codes administered by federal, state, and local agencies.
7. This Order shall be rescinded if the U.S. Army Corps of Engineers does not issue a Section 404 and/or Section 10 permit for the project.
8. Copies of this Order shall be kept on the job site and readily available for reference by Ecology personnel, the construction superintendent, construction managers and lead workers, and state and local government inspectors.
9. The Applicant shall provide access to the project site upon request by Ecology personnel for site inspections, monitoring, necessary data collection, and/or to ensure that conditions of this Order are being met.
10. Nothing in this Order waives Ecology's authority to issue additional orders if Ecology determines that further actions are necessary to implement the water quality laws of the state. Furthermore, Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if additional impacts due to project construction or operation are identified or if additional conditions are necessary to further protect water quality.
11. In the event of changes or amendments to the state water quality, ground water quality, or sediment standards, or changes in or amendments to the state Water Pollution Control Act (RCW 90.48), or the federal Clean Water Act, Ecology will issue an administrative order to incorporate any such changes or amendments applicable to this project.

12. The Applicant shall ensure that all appropriate project engineers and contractors at the project site have read and understand relevant conditions of this Order and all permits, approvals, and documents referenced in this Order. The Applicant shall provide Ecology a signed statement (see Attachment A for an example) from each project engineer and contractor that they have read and understand the conditions of this Order and the above-referenced permits, plans, documents and approvals. These statements shall be provided to Ecology before construction begins at the project.
13. This Order does not authorize direct, indirect, permanent, or temporary impacts to waters of the state (including wetlands) or related aquatic resources, except as specifically provided for in conditions of this Order.
14. Failure of any person or entity to comply with this Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce its terms.
15. This Order will automatically transfer to a new owner or operator if:
 - a. A written agreement between the Applicant and new owner or operator with the specific transfer date of the Order's obligations, coverage, and liability is submitted to Ecology per condition A.2.;
 - b. A copy of this Order is provided to the new owner or operator; and
 - c. If Ecology does not notify the new Applicant that this Order must be modified to complete the transfer.

B. Water Quality

1. This Order does not authorize temporary exceedances of water quality standards beyond the limits established in WAC 173-201A-200 (1)(e)(i).

C. Water Quality Monitoring

1. The Applicant shall conduct water quality monitoring as described in the Water Quality Monitoring Plan, "Water Quality Monitoring and Protection Plan for Wolverine Fire Log Boom" prepared by Paul Willard, Chelan Ranger District Forest Service, dated April 14, 2016 (hereafter referred to as the "WQMP").
2. If changes to the WQMP are proposed at any time during the duration of this Order, the Applicant shall submit a revised plan to Ecology for review and approval. The Applicant

shall allow at least a 14 day review time for Ecology. Following Ecology's approval, the Applicant shall implement the approved, updated WQMP.

3. Turbidity monitoring reports shall be sent weekly by email to the Federal permit coordinator, per Condition A2. The permit coordinator shall be contacted within 24 hours if an exceedance occurs.

D. Construction Conditions

1. All work in and near the water shall be done so as to minimize turbidity, erosion, and other water quality impacts. Construction stormwater, sediment, and erosion control Best Management Practices (BMP's) suitable to prevent exceedances of state water quality standards shall be in place before starting clearing, filling and grading work and shall be maintained throughout construction.
2. The project shall be clearly marked and staked prior to construction. Clearing limits, travel corridors, stockpile sites, staging areas, and refueling areas shall be clearly marked. Critical areas and buffers that are to be protected from disturbance shall be marked so as to be clearly visible to equipment operators. Equipment shall enter and operate within the marked clearing limits corridors and stockpile areas.
3. Routine inspections should be conducted to verify that structural controls are maintained and operating effectively throughout construction, and that soil structure and vegetation are maintained within protection areas. If controls are not adequately protecting designated areas, adjust existing or implement additional protection measures.
4. All equipment must be clean and free of oils, hydraulic fluid, and other contaminants prior to entering all areas below the Ordinary High Water Mark (OHWM) of Lake Chelan.
5. Equipment used for in-water work during this project operating with hydraulic fluid shall use only those fluids certified as non-toxic to aquatic organisms.
6. Wash water containing oils, grease, or other hazardous materials resulting from wash down of equipment or working areas shall be contained for proper disposal, and shall not be discharged into state waters or storm drains.

E. Timing Requirements

1. All in-water work shall be completed by the work window identified in the most current Hydraulic Project Approval (HPA) issued by the Washington Department of Fish and Wildlife (WDFW) for this project. Any project change that requires a new or revised HPA should be sent to Ecology for review.
2. This Order shall remain in effect for a period of 5 years from date of issuance, May 5, 2021. Continuing this project beyond the 5 year term of this Order will require separate certifications.

F. Notification Requirements

1. The Applicant shall provide written notification (email or mail) to Ecology's Central Regional Office Federal Permit Coordinator in writing at least 14 days prior to the start of construction, and within 7 days after completion of construction at the project site. Notification should be made using all the information required in Condition A2.

G. Emergency/Contingency Measures

1. The Applicant shall develop a spill prevention and containment plan for this project, and shall have spill cleanup materials and an emergency call list available on site.
2. Any work that is out of compliance with the provisions of this Order, or conditions causing distressed or dying fish, or any discharge of oil, fuel, or chemicals into state waters, or onto land with a potential for entry into state waters, is prohibited. If these occur, the Applicant or operator shall immediately take the following actions:
 - a. Cease operations that are causing the compliance problem.
 - b. Assess the cause of the water quality problem and take appropriate measures to correct the problem and/or prevent further environmental damage.
 - c. In the event of finding distressed or dying fish, the applicant shall collect fish specimens and water samples in the affected area within the first hour of the event. These samples shall be held in refrigeration or on ice until the applicant is instructed by Ecology on what to do with them. Ecology may require analyses of these samples before allowing the work to resume.
 - d. In the event of a discharge of oil, fuel, or chemicals into state waters, or onto land with a potential for entry into state waters, containment and cleanup efforts shall begin immediately and be completed as soon as possible, taking precedence over normal work. Cleanup shall include proper disposal of any spilled material and used cleanup materials.

- e. Immediately notify Ecology's 24-Hour Spill Response Team at 1-800-258-5990, the National Response Center at 1-800-424-8802 and within 24 hours of spills or other events Ecology's 401 Federal Permit Coordinator at (509) 454-4260.
 - f. Submit a detailed written report to Ecology within five (5) days that describes the nature of the event, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of any samples taken, and any other pertinent information.
3. Fuel hoses, oil drums, oil or fuel transfer valves and fittings, etc., shall be checked regularly for drips or leaks, and shall be maintained and stored properly to prevent spills into state waters, including wetlands.
 4. If at any time during work the proponent finds buried chemical containers, such as drums, or any unusual conditions indicating disposal of chemicals, the proponent shall immediately notify Ecology using the above phone numbers.
 5. Compliance with this condition does not relieve the Applicant from responsibility to maintain continuous compliance with the terms and conditions of this Order or the resulting liability from failure to comply.

YOUR RIGHT TO APPEAL

You have a right to appeal this Order to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do all of the following within 30 days of the date of receipt of this Order:

- File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608

Pollution Control Hearings Board 1111 Israel RD SW STE 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903
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CONTACT INFORMATION

Please direct all questions about this Order to:

Andrea Jedel, PWS
Department of Ecology
Central Region Office
1250 W Alder Street
Union Gap, WA 98903

(509) 454-4260
andrea.jedel@ecy.wa.gov

MORE INFORMATION

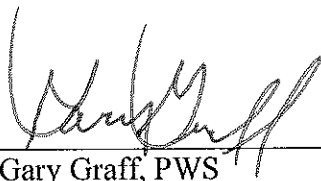
- **Pollution Control Hearings Board Website**
www.eho.wa.gov/Boards_PCHB.aspx
- **Chapter 43.21B RCW - Environmental and Land Use Hearings Office – Pollution Control Hearings Board**
<http://apps.leg.wa.gov/RCW/default.aspx?cite=43.21B>
- **Chapter 371-08 WAC – Practice And Procedure**
<http://apps.leg.wa.gov/WAC/default.aspx?cite=371-08>
- **Chapter 34.05 RCW – Administrative Procedure Act**
<http://apps.leg.wa.gov/RCW/default.aspx?cite=34.05>
- **Chapter 90.48 RCW – Water Pollution Control**
<http://apps.leg.wa.gov/RCW/default.aspx?cite=90.48>
- **Chapter 173.204 Washington Administrative Code (WAC) Sediment Management Standards**
<http://www.ecy.wa.gov/biblio/wac173204.html>
- **Chapter 173-200 WAC Water Quality Standards for Ground Waters of the State of Washington**
<http://www.ecy.wa.gov/biblio/wac173200.html>

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- **Chapter 173-201A WAC Water Quality Standards for Surface Waters of the State of Washington**
<http://www.ecy.wa.gov/biblio/wac173201A.html>

SIGNATURE

DATED this 5th day of May, 2016, at Union Gap, Washington.



Gary Graff, PWS
Regional Section Manager
Shorelands and Environmental Assistance Program
Central Regional Office – Ecology
State of Washington

Attachment A
Statement of Understanding
Water Quality Certification Conditions

Wolverine Fire Log Boom Railroad Creek
Okanogan-Wenatchee National Forest Chelan Ranger District
Water Quality Certification Order No. **13275**
and
Corps Reference No. **NWS-2016-284 (NWP 37)**

I, _____, state that I will be involved as an agent or contractor for Okanogan-Wenatchee National Forest Chelan Ranger District in the site preparation and/or construction of the Wolverine Fire Log Boom Railroad Creek Project located on Lake Chelan, in Chelan County, Washington. I further state that I have read and understand the relevant conditions of Washington Department of Ecology Water Quality Certification Order No. 13275 and the applicable permits and approvals referenced therein which pertain to the project-related work for which I am responsible.

Signature

Date

Title

Phone

Company